



4

N1239-008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

NOV 0 8 2001

TECH CENTER 1600/2900

In re Application of

RECEIVED

William A. KOEHRING

NOV 1 9 2001

Serial No. 09/836,347

OFFICE OF PETITIONS

) Group Art Unit: 1638

Filed: April 18, 2001

) Examiner: Not Assigned

For: INBRED CORN LINE RB01

PETITION TO CHANGE INVENTORSHIP UNDER 37 C.F.R. §1.48
AND
PETITION FOR FILING APPLICATION BY OTHER THAN ALL
INVENTORS UNDER 37 C.F.R. §1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

PETITION TO CHANGE INVENTORSHIP UNDER 37 C.F.R. §1.48

The undersigned attorney of record petitions the Assistant Commissioner of Patents to change the inventorship in the application identified above to add W. Ken RUSSELL and Steven S. CRAFTON as co-inventors of the subject matter claimed in the application.

Accompanying this Petition is an Affidavit from inventors William A. KOEHRING (Tab 1) and Steven S. CRAFTON (Tab 2) stating that the inventorship error of failing to include W. Ken RUSSELL and Steven S. CRAFTON as co-inventors occurred without any deceptive intention on anyone's part. An Affidavit of W. Ken RUSSELL was mailed by Certified Mail No. Z 224 280 791 with return receipt requested on June 18, 2001 to

11/07/2001 USDBLR1 00000031 05836347

20 701X82

250.00 01

Mr. Russell along with a Declaration/Power of Attorney and an Assignment. This package to Mr. Russell was returned as "unclaimed" by the U. S. Postal Service as shown in the attached copy (**Tab 3**). The undersigned was also informed by Mr. Russell's attorney that he would not sign any of these documents as shown in a letter dated August 8, 2001 (**Tab 4**).

It is respectfully requested that the present application be converted from an application designating only William A. KOEHRING as inventor, to an application designating William A. KOEHRING, W. Ken RUSSELL and Steven S. CRAFTON as co-inventors. A new Declaration and Power of Attorney, signed by William A. KOEHRING and Steven S. CRAFTON attesting that they believe themselves, along with W. Ken RUSSELL who refuses to sign, to be the original, first and joint inventors of the subject matter claimed in the present application are submitted herewith (**Tab 5**).

A Consent of Assignee, Limagrain Genetics Grande Culture S.A., signed by an official of the assignee of the entire interest of Koehring in the subject application as shown in Assignment as recorded April 18, 2001 at reel/frame 011747/0028; (**Tab 6**) is attached.

Applicant respectfully petitions for addition of the two inventors, W. Ken RUSSELL and Steven S. CRAFTON to this application.

**PETITION FOR FILING PATENT APPLICATION BY
OTHER THAN ALL THE INVENTORS UNDER 37 C.F.R. §1.47(a)**

Applicants, William A. KOEHRING and Steven S. CRAFTON hereby petition the Commissioner to accept their request to prosecute the application by other than all of the inventors. Affidavits by Ron Bell (**Tab 7**) and Robert J. Jondle (**Tab 8**) are provided

which detail the pertinent facts concerning the refusal of the co-inventor to join in the present application for patent.

The name and address of the co-inventor refusing to join in this application is as follows:

W. Ken RUSSELL
5541 South 68th Street
Lincoln, NE 68516

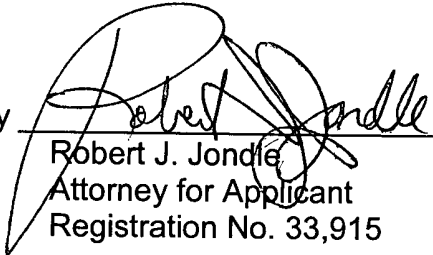
In view of the refusal of co-inventor W. Ken RUSSELL to execute the papers required for completing the change of inventorship, cooperating inventors KOEHRING and CRAFTON are believed to be entitled to make such application on behalf of and as agent for their co-inventor RUSSELL.

A check in the amount of \$260.00 is enclosed to cover the cost of the required Petition fees under 37 CFR 1.17(h) and (i). Please charge any additional fees required or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

Nov. 5, 2001
Date

By


Robert J. Jondle
Attorney for Applicant
Registration No. 33,915

ROTHWELL, FIGG, ERNST & MANBECK
555 Thirteenth Street, N.W.
Suite 701-East Tower
Washington, D.C. 20004
Telephone: (402) 333-1550